

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
APRIL 9, 2001
HUGHES AUDITORIUM
6:30 P.M.

CLOSED SESSION

At 5:30 p.m., the regular meeting of the Malibu City Council convened. City Attorney Amerikaner announced that the purpose of the Closed Session was to discuss matters listed on the posted agenda pursuant to Government Code Sections 54956.8 and 54956.9. The City Council recessed to a closed session.

CALL TO ORDER

Mayor Hasse reconvened the meeting at 6:30 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Thomas Hasse, Councilmembers Sharon Barovsky, Joan House, Jeffrey Jennings, and Ken Kearsley.

ALSO PRESENT: Steve Amerikaner, City Attorney; Victor Peterson, Building Official; Barry Hogan, Planning Director; Julia James, Administrative Services Director; Paul Adams, Parks and Recreation Director; Chuck Bergson, Public Works Director; Rick Morgan, City Engineer; Florencio Signo, Associate Planner; Andrew Ho, Associate Planner; Hap Holmwood, Emergency Preparedness Coordinator; Lt. Thom Bradstock, Sheriff's Department; Virginia Bloom, City Clerk; and Lisa Pope, Recording Secretary.

FLAG SALUTE

Judy Decker led the Pledge of Allegiance.

CLOSED SESSION REPORT

City Attorney Amerikaner announced that the Council met in Closed Session at 5:30 p.m. for the purpose of discussing matters listed on the posted closed session agenda as follows:

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

1. Property: Tract No. 46964 (5 lots)
City Negotiator: City Attorney

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Property Negotiator: D.L. Malibu, Inc.

Existing litigation per Government Code Section 54956.9 (a):

2. Gibbs v. City of Malibu Los Angeles County Superior Court Case No. BC059362

City Attorney Amerikaner reported the Council met and discussed the items listed on the agenda and no reportable action was taken.

APPROVAL OF AGENDA

MOTION Councilmember Kearsley moved and Mayor Pro Tem House seconded a motion to approve the agenda as posted. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Bloom reported that the agenda for the meeting was posted on March 30, 2001.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2 A. PUBLIC COMMENTS

Judy Decker, Co-Chair of the Point Dume HOA, requested the Council table consideration of further development of DG paths until the City had a Local Coastal Plan. She further requested the Council only consider bids for the shuttle from Westward Beach to the Headlands from those using non-polluting fuels.

Herb Broking expressed his outrage of the recent meeting held on March 26, 2001, regarding hiring a City Attorney. He discussed an incident with Sharon Barovsky in which she sued the City. He suggested the City Attorney contract go out for a Request for Proposal.

Sam Birenbaum addressed false accusations of crime made at the last Council meeting against him and his wife.

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B. COUNCIL COMMENTS

Councilmember Barovsky requested adjourning the meeting in memory of Ori Greenberg. She sent her condolences to the Greenberg family. She stated she would release all documents to Mr. Broking regarding her settlement agreement with the City.

Councilmember Jennings stated the Land Use Subcommittee met and heard from the City Engineer and Building Official on recent developments in wastewater. He discussed testing done in the high groundwater areas of the Civic Center which determined the level of the water table was not sufficiently below grade to meet the Plumbing Code. He stated the property owners would have to take steps to mitigate the situation. He stated the Building Official had discussed recent actions by the Regional Water Quality Control Board which he summarized. He responded to Mr. Broking and explained the difference between an in-house and contract employee.

Councilmember Kearsley reported on the meeting of the Public Works Committee at which the Public Works Director presented the FEMA Flood Mitigation Plan. He stated the plan would be presented to the Council in the future. He expressed disgust to the comments by Mr. Broking.

Mayor Pro Tem House discussed the Cityhood Celebration on March 28, 2001 and thanked those who participated. She discussed the success of Youth in Government Day. She stated she attended the Malibu Bar Association Installation and Award Dinner. She responded to comments by the public speakers. She discussed the efforts to recycle at Malibu schools. She asked the Parks and Recreation Director to explain the recirculating flush toilet system demonstration at Bluffs Park. Parks and Recreation Director Adams stated the demonstration model was in use at Bluffs Park and had been very well received. Building Official Peterson stated the system was on demonstration for 3 months during which testing on the level of the recycled water would occur. Mayor Pro Tem House suggested Mr. Birenbaum invite Building Official Peterson to inspect his septic system.

Mayor Hasse discussed recent events he attended. He congratulated Jeanette Scoville on her appointment as the Chamber of Commerce President. He thanked the City Celebration Committee and volunteers. He asked about the documents regarding Ms. Barovsky's settlement agreement. City Attorney Amerikaner stated the requested documents had been provided and the City was searching to fulfill the public records request. Mayor Hasse explained why he did not agree with the decision to hire Christi Hugin as contract City Attorney.

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ITEM 3 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2. Approve warrants

Staff recommendation: To allow and approve warrant demand numbers listed on the attached register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 230 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks.

3. Approval of Minutes

Staff recommendation: Approve minutes of February 26th Regular and March 12th Regular City Council meetings.

4. Approval of Tolling Agreement with D.L. Malibu, Inc. (Trancas Canyon Property)

Staff recommendation: Approve and authorize the Mayor to execute a Tolling Agreement with D.L. Malibu, Inc.

5. Contribution and use agreement for playground improvements at Webster Elementary

Staff recommendation: Approve in substantial form a joint use agreement with School District staff related to the Recreation Department's use of the fields and basketball courts at Webster Elementary School during non-school hours for public recreation programs.

6. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

MOTION Councilmember Kearsley moved and Mayor Pro Tem House seconded a motion to approve the Consent Calendar.

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Councilmember Jennings discussed Item 3.B.5. He asked why 8-foot basketball goals were being installed and if there had been consideration of adjustable baskets. Parks and Recreation Director Adams stated he could discuss the suggestion with District but explained that stationary equipment was generally installed on school playgrounds to avoid damage to equipment or injury. Councilmember Jennings suggested amending the agreement to change Section 1 to read as follows: "City agrees to pay District the sum of up to \$4,000 to be used for the purchase and installation of two 8-foot basketball goals ..." The Council concurred with the proposed amendment.

The motion to approve the Consent Calendar as amended carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

(Agenda items 4.A. and 4.B. involve the same property owner and majority of same issues, therefore may be consolidated for hearing purposes.)

- A. Public Hearing on Appeal 01-005 - A request to overturn the Planning Commission's decision to deny Site Plan Review No. 00-052 pursuant to Planning Commission Resolution No. 00-050 (B). The applicant is also appealing the Variance Resolution No. 00-050 (C) because the residence was conditioned not to exceed 18 feet in height. (6164 Galahad Drive)
Staff recommendation: Approve the reduced two-story single-family residence with landscaping and adopt Resolution No. 01-10 and 01-11.
- B. Public Hearing on Appeal No. 01-006 - A request to overturn the Planning Commission's decision to deny Site Plan Review No. 00-057 pursuant to Planning Commission Resolution No. 00-049 (B). The applicant is also appealing the Variance Resolution No. 00-049 (C) because the residence was conditioned not to exceed 18 feet in height (6176 Galahad Drive)
Staff recommendation: Approve reduced two-story single-family residence with landscaping and adopt Resolution No. 01-12 and 01-13.

Planning Director Hogan presented the staff report.

Councilmember Kearsley stated he visited the site and spoke with Mr. Haynie, applicant's representative.

Councilmember Jennings stated he visited the site and spoke with Mr. Haynie.

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Councilmember Barovsky stated she visited the site.

Mayor Pro Tem House stated she did not visit the site nor speak with anyone.

Mayor Hasse stated he did not visit the site and did not speak with anyone.

Gary Shuman presented an overview of the project. He discussed the Planning Commission decision on the matter and concern regarding the view impact from Galahad Drive. He presented the 5 design alternatives as presented to the Planning Commission for review.

Walter Sauter, representing the owners of Parcels 7 and 8, discussed his appeal of the Planning Commission's decision to not allow construction of two story homes on Galahad Drive. He stated the builder should be commended for decreasing the impact of the public view from Galahad Drive.

Norm Haynie commended staff and the Planning Commission on consideration of the project. He agreed that there was a misunderstanding with respect to numbers. He explained the possible height of the home and visual impact. He presented diagrams of a 33-foot home with a landscape buffer and a 34-foot structure with 18-foot stories.

Councilmember Kearsley asked for clarification on public views from private streets. Planning Director Hogan explained that there were no public views from private streets. He discussed the difference between private views from private property and public views from private streets.

Councilmember Barovsky stated she was on the General Plan Task Force when the view protection policy was written, knowing that 80% of the streets in Malibu were private streets. She stated the intent of the General Plan was to include public views from any road. She stated she was not persuaded that since Zumirez was a private street the view impact should not matter. Planning Director Hogan responded that the General Plan did not lead staff to that conclusion. He stated, if the Council desired, a method of determining impact on public views from private streets could be created. In response to Councilmember Barovsky, Planning Director Hogan explained the action taken by the Planning Commission. Councilmember Barovsky asked the slope of the property. Planning Director Hogan stated the slope was 3:1 or less with some areas of 2:1 and the property was steeper closer to Galahad.

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Councilmember Jennings discussed the process of Site Plan Review. He asked why the Planning Commission reviewed the issue of structure height during review of a variance. Planning Director Hogan indicated Section 9.5.70 allowed appeal of the Director's decision on Site Plan Review. He explained that the site plan could not be approved without approval of the variance. Councilmember Jennings requested explanation of the determination of site plan review. Planning Director Hogan read Interim Zoning Ordinance Section 9.4.23. Councilmember Jennings discussed public view from private streets. He stated it was his understanding that public views in the General Plan related to views from public highways and public streets. He stated the more the house was spread down the hillside, the more view impact it would have from Galahad. He stated he did not understand the Planning Commission decision.

Mayor Pro Tem House stated she was on the General Plan Task Force. She asked how many more properties would be developed on Galahad. Planning Director Hogan stated there were 6 vacant lots. Mayor Pro Tem House asked when the Hillside Management Plan would be before the Council. Planning Director Hogan stated the slope density formula would be back to the Council prior to 2002.

Mayor Hasse discussed the difficulties that would arise if public view impact was implemented. He stated he recalled that the City Council had included the words "greatest extent feasible" to all Implementation Measures to allow some sort of discretion based on what already existed in the neighborhood. He stated most of the homes in the subject area were two-story. He stated a lot of the provisions of the General Plan had not been manifested into the General Plan. He stated he did not think the Council had much choice but to allow the appellant to proceed with Alternative 2.

Councilmember Kearsley asked if a landscape buffer would be included for any construction. Mr. Shuman stated a landscape plan was required. Councilmember Kearsley invited the Planning Commission to provide input on the decision. He asked if the Commission felt that the General Plan took precedent over the Interim Zoning Ordinance. Commissioner Stern stated the Commission felt strongly that a one story home was legal on the site. He stated the subject lots were steeper than others already developed in the neighborhood. Commissioner Carrigan stated the Commission did believe that the General Plan was not appropriately defended in this instance. He stated he would have approved the original application if the lots were similar to those in the surrounding neighborhood. He stated the lots were difficult

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and problematic. He stated the Commission was concerned with the public view impairment from Zumirez Drive and that the project did not address concerns of hillside development. Commissioner Vaill stated he was the one commissioner who supported the project. He stated he was concerned about setting a precedent. He stated he was troubled by the narrowness of the lots. He stated he was not troubled by the view impact from Zumirez. He stated he felt the projects should be approved.

Councilmember Jennings stated it was necessary to clarify that, although the General Plan guides the application of the City's ordinance, it was the ordinances that governed the City.

Norm Haynie discussed public streets versus private streets and public views versus private views. He discussed the alternatives presented to the Council. He stated the project should be approved on its merits.

Councilmember Kearsley stated it was necessary to minimize visual impact. He stated he preferred the home be stepped down the slope. He discussed the variances requested. He stated he would support the findings of the Planning Commission.

Councilmember Jennings explained the variances granted for front yard setback and development on the slope. He stated the variances had nothing to do with the site plan review. He stated, in his judgement, the Planning Commission should never have considered the site plan review. He discussed the Interim Zoning Ordinance regarding public and private views. He stated the impact of the house from Galahad Road was almost negligible. He stated a stepped down house viewed from Zumirez would present a much larger surface area. He stated he would support overturning the Planning Commission's decision and approving the project.

Mayor Pro Tem House stated it was problematic that the City did not have a Hillside Ordinance. She stated the variance for front yard set back was to move the structure away from the ESHA. She stated it was necessary to determine whether a longer or shorter home was preferable. She stated the structure height would not be seen from Zumirez. She stated her preference was Alternative 2. She stated no opposition had been expressed by the neighborhood. She discussed the homes surrounding the subject parcels. She stated she would support overturning the Planning Commission's decision.

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Councilmember Barovsky stated property owners should be aware of the constraints upon purchase of land. She stated she would support the Planning Commission decision. She stated it was necessary to complete a Hillside Management ordinance.

Mayor Hasse stated the issue of public views had been discussed in the General Plan but not manifested in the Interim Zoning Ordinance. He stated the Zoning Ordinance gave the General Plan effect.

MOTION Councilmember Jennings moved and Mayor Pro Tem House seconded a motion to approve the reduced two-story single-family residence with landscaping and adopt Resolution No. 01-10, approving Site Plan Review No. 00-052 for the construction of a new single-family residence above the base 18 feet at 6164 Galahad Drive (Bluewater Builders) and to adopt Resolution No. 01-11, approving Variance No. 00-030 for the construction of portions or a new single-family residence on slopes in excess of 2 ½:1 and for a reduction of the required 65-foot front yard setback to 25 feet at 6164 Galahad Drive (Bluewater Builders). The question was called and the motion carried 3-2, Councilmember Kearsley and Councilmember Barovsky voting no.

MOTION Councilmember Jennings moved and Mayor Pro Tem House seconded a motion to approve the reduced two-story single-family residence with landscaping and adopt Resolution No. 01-12, approving Site Plan Review No. 00-057 for the construction of a new single-family residence above the base 18 feet at 6176 Galahad Drive (Bluewater Builders) and to adopt Resolution No. 01-13, approving Variance No. 00-034 for the construction of portions or a new single-family residence on slopes in excess of 2 ½:1 and Variance No. 00-035 for a reduction of the required 65-foot front yard setback to 25 feet at 6167 Galahad Drive (Bluewater Builders). The question was called and the motion carried 3-2, Councilmember Kearsley and Councilmember Barovsky voting no.

RECESS Mayor Hasse called a recess at 8:19 p.m. The meeting reconvened at 8:30 p.m. with all Councilmembers present.

- C. Public Hearing on Appeal No. 01-001 An appeal of the Planning Commission's decision (AP 00-004) to uphold the Planning Director's decision (PPR 99-249/SPR 99-093/MM 99-041) to deny a project for a new single-family residence based on view blockage of the Santa Monica Mountains to the up-slope residence located at 27410 Calicut Road, and the unnecessary construction of a retaining wall on slopes in excess of 2 ½:1 (27439 Latigo Bay View Drive)

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Staff recommendation: Adopt Resolution No. 01-14 upholding the Planning Commission's decision and denying Appeal No. 01-001.

Planning Director Hogan presented the staff report.

John Kilbane stated they were presenting a redesigned project from that presented to the Planning Commission. He stated the neighbors were now satisfied with the reduced view blockage. He explained why the Planning Commission had originally denied the application. He explained the purpose of the proposed retaining wall to provide mitigation for view blockage. He presented the site plan of the redesigned house. He presented a photograph showing that ocean and mountain views would not be blocked.

Mayor Hasse stated he asked the City Attorney for an opinion on whether the project could be redesigned during the appeal process. City Attorney Amerikaner stated there was nothing in the Municipal Code which addressed the question. He stated the Council could consider the proposed modified project as a condition of approval.

Douglas Simpson stated it had been determined that the original project would deny their solar access. He stated the redesigned project would eliminate the solar access problem. He stated he supported the redesigned project and urged the Council to support the project.

Marian Orr stated she and her husband supported the redesigned project.

Mayor Pro Tem House stated she visited the site and met with the applicant.

Councilmember Barovsky, Mayor Hasse, and Councilmember Jennings stated they did not visit the site.

Councilmember Kearsley stated he visited the site and spoke with Mr. Kilbane and viewed the site from the Orr property.

Councilmember Jennings expressed concern about the required findings for the variance. City Attorney Amerikaner discussed the 7 findings in the Code necessary for granting a variance. He stated there was reasonable evidence that the findings could be met.

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Councilmember Barovsky commended the applicant for working with the neighbors and stated she would support the redesigned project.

Councilmember Jennings asked if private easement agreements should be included as conditions of the project. Planning Director Hogan stated if the Council's decision was based upon the agreements, they should be part of the record. City Attorney Amerikaner stated he would not recommend private agreements be conditions because the City would be responsible for enforcement.

City Attorney Amerikaner recommended the Council take a concept vote on the revised project and continue the matter to allow staff to verify the information and bring back appropriate resolutions.

MOTION Councilmember Kearsley moved and Councilmember Barovsky seconded a motion to approve the redesigned project concept. The question was called and the motion carried unanimously.

ITEM 5 OLD BUSINESS

A. Point Dume Shuttle and PCH/Zumirez Drive Mini-Transit Center MTA Grant Applications

Staff recommendation: City Council to withdraw the City's applications for MTA grant funds for the Point Dume Shuttle and the Mini-Transit Center at Zumirez Drive and PCH.

Interim Administrative Services Director James presented the staff report.

Judy Decker, Co-Chair of the Point Dume Homeowners Association, stated the association strongly supported staff's recommendation.

MOTION Councilmember Kearsley moved and Councilmember Barovsky seconded a motion to withdraw the City's applications for MTA grant funds for the Point Dume Shuttle and the Mini-Transit Center at Zumirez Drive and PCH. The question was called and the motion carried unanimously.

B. Proposed Las Flores Park - Continued from March 12, 2001 Regular Meeting
Staff recommendation: The Parks & Recreation Commission recommends that the Council approve the proposed design elements for Las Flores Park and instruct staff

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and Community Works Design Group to proceed with preparation of designs based upon these recommendations.

City Engineer Morgan presented the staff report.

Fred Niles discussed land slides in the Las Flores area. He stated the physical protection and preservation of the road must take priority over any other improvements.

Bill Baldau, President of the Upper Mesa Homeowners Association, indicated support for development of the park as indicated in the recommendation.

Guadalupe Lerner suggested Las Flores Park serve as a dog park. She stated dogs were not allowed on the beach and needed a place to exercise.

David Thayne indicated support for the Las Flores Park recommendation. He stated he had obtained 60 signatures in favor of the park and had received no opposition. He stated the park would bring the neighborhood together and make the community stronger. He stated he was in favor of the Las Flores development.

Beth Lucas expressed strong support for the park. She discussed the benefits of a community park. She stated 290 residents, 82 of which lived right in the vicinity of the park, signed a petition in support of the proposed park. She commended the Commission for incorporating the concerns and desires of the community.

Ann Wisniewski stated she supported a park but opposed the current proposal. She discussed creek and stream buffer restoration. She suggested restoration be a primary issue of the plan. She explained established norms and standards for pocket parks. She stated every park need could not be accomplished at the Las Flores site. She suggested a neighborhood group be established for the purpose of design and maintenance of the park. She suggested establishment of a parks foundation to raise revenue for additional parks.

Linda Boorman deferred her time to Ms. Wisniewski.

Mark Konopaske stated he approved the recommendations without the maintenance area and restroom facilities. He stated the hours of operation should be during daylight hours only. He stated lighting would create light pollution and disrupt the

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neighbors. He indicated opposition to turning Las Flores Park into a dog park. He discussed dog parks in surrounding cities. He stated he did not think Community Works Design group was the proper firm for the job and suggested the project be put out to bid.

Diana Silverston urged the inclusion of creek restoration in the park plan.

Margaret Shultz stated she was in favor of the park but the Commission's recommendation needed additional work. She suggested additional workshops to clarify questions. She suggested an advisory group be utilized to assist in restoration. She stated there was not sufficient support for a community center at the Las Flores location. She urged the Council to defer decision to allow the community to be further educated.

Graeme Clifford stated he did not know anyone who was against a park rather the amount of development in the park. He discussed the need for restoration. He expressed opposition to a dog park. He stated it was inappropriate to include a community center at Las Flores. He stated the proposal was too landscaped and needed to be more natural.

Ted Vaill stated he strongly supported the project as a former Parks and Recreation Commission. He indicated support for trails, picnic tables, and a tot lot. He stated there was no other place between Malibu Lagoon and Topanga Canyon for a similar park. He urged a community meeting room be considered in the second phase of the park development.

Steve Lewis indicated full support of the proposed park. He stated it was necessary for a place for children to play. He stated the 290 petitions signers supported the community center.

Lee Hendler suggested the existing fire maintenance station be utilized for a community center. She discussed narrowing of the stream. She suggested the City investigate dumping in the area and the need to protect the road.

Bonny Bolander stated they were thrilled about the proposed park. She stated the park would create a sense of community and allow a place for children to play. She indicated support for restrooms at Las Flores Park.

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Jim Muneno indicated support for the park and urged the Council to proceed.

Melanie Goudzwaard spoke in support of dog owners. She stated residents were looking for a place to take their dogs along with the remainder of their families. She stated recreational space was needed for children and dogs.

Efrom Fader, representing the Malibu Township Council, indicated support for a neighborhood park but urged the park be kept as natural as possible.

Richard Carrigan suggested Las Flores Park be dog friendly.

Holly Kinian suggested including child and dog facilities. She stated she completely supported the park. She stated a path through the park would greatly improve pedestrian safety in the area.

Laureen Sills, Parks and Recreation Commissioner, concurred with comments by the previous speakers.

Dermot Stoker, Parks and Recreation Commission, indicated support for the proposed design. He discussed a possible location for dogs.

Laura Rosenthal, Parks and Recreation Commission, discussed the importance of a neighborhood park.

Councilmember Kearsley expressed concern about people walking along Las Flores and suggested a DG path along Las Flores on the western side along the length of the park and to restrict parking along that area. Parks and Recreation Director Adams stated it would be possible. He explained the proposed DG path.

Mayor Pro Tem House requested an explanation of the different schematic plans. Parks and Recreation Director Adams explained the progression of the plans based on community input.

Councilmember Barovsky asked what Mr. Fader meant by a natural park. Mr. Fader explained that MTC wanted to keep development as limited as possible, and as natural as possible, were opposed to any construction, restroom, or picnic benches, and were not opposed to a tot lot or benches.

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Councilmember Jennings asked if natural vegetation was proposed. Parks and Recreation Director Adams explained the proposed landscaping and removal of non-native vegetation. Councilmember Jennings expressed concern about the control of the creek and asked how the unstable condition tied in with the plan. City Engineer Morgan stated stabilization of the toe of the slide was an issue. He explained the mitigation measures that had occurred. He stated it was necessary to protect the toe of the slide from further erosion of the creek. He stated grant funds were being sought for creek bed restoration. He stated the proposed park and stream bed restoration worked well together.

Councilmember Kearsley asked if the proposal to widen the bridge on PCH would increase velocity and reduce bulking. City Engineer Morgan stated downstream improvements could be beneficial.

Mayor Pro Tem House asked the size of the originally proposed community center. Parks and Recreation Director Adams stated a 2,000 square foot center was originally proposed. Mayor Pro Tem House asked the infrastructure costs for various size centers. Parks and Recreation Director Adams explained that increased square footage would increase parking and infrastructure costs. Mayor Pro Tem House asked what infrastructure improvements would be needed for a community center. Parks and Recreation Director Adams stated parking and utilities would be required. He explained that it would be a community meeting room. Mayor Pro Tem House if the potential of active recreational facilities had been reviewed. Parks and Recreation Director Adams stated the width of the park would prohibit anything other than a half court basketball court. He stated the public had indicated opposition to active sports facilities. He stated the priority was for a tot lot and indoor meeting space, with a natural appearance.

Councilmember Kearsley stated he was excited about the park and input of the neighborhood. He stated he could support the proposed plan but did not support a meeting room because lights should not be installed at the park. He indicated support for the tot lot and leashed dogs, benches, and picnic tables. He stated creek restoration was critical as a first step to define the configuration of the park.

Councilmember Barovsky discussed the tot lot at John's Garden. She indicated support for benches and picnic tables. She stated she would support the recommendation but it was not appropriate for a community room due to lack of parking. She suggested no parking signs be installed on the west side of Las Flores.

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Councilmember Jennings stated stream bed restoration would shape the remainder of the plan. He suggested proceeding with stream bed restoration and grant applications necessary to achieve that. He stated it would be a good idea to gather a group of people from the neighborhood to determine the desired amenities. He indicated support for a tot lot. He stated he would support the DG path which was necessary for safety purposes. He suggested forming a local group to assist in finalization of features and layout.

Mayor Pro Tem House indicated support for the recommendation of the Parks and Recreation Commission. She read from the Parks Needs Assessment regarding the need for indoor and outdoor space. She suggested a community room be kept on the table for consideration. She suggested Green Tech be utilized for wastewater. She suggested a butterfly habitat be included in the park. She stated she supported allowing dogs, picnic tables and restroom facilities.

Mayor Hasse congratulated the petition circulators. He stated the petition indicated the desire for a community park. He stated creek restoration would determine the look of the park. He indicated support for a tot lot, picnic tables, and dog area. He stated he agreed with Mayor Pro Tem House that exploration of a future community room should remain. He stated a 1000-2000 square foot meeting room was needed in Malibu.

MOTION Councilmember Kearsley moved and Mayor Pro Tem House seconded a motion to approve the proposed design elements for Las Flores Park and instruct staff and Community Works Design Group to proceed with preparation of designs based upon these recommendations.

AMENDMENT

Mayor Pro Tem House moved to amend the motion to explore the Parks and Recreation Commission recommendation for a community room on Rambla Vista. Councilmember Kearsley accepted the amendment as a friendly.

AMENDMENT

Mayor Pro Tem House amended the motion to include a butterfly habitat within the park. Councilmember Kearsley accepted the amendment as friendly.

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AMENDMENT

Councilmember Jennings amended the motion to direct staff to explore the creation of a local park advisory group. The maker and seconder of the motion accepted the amendment.

The question was called and the amended motion carried unanimously.

MOTION Mayor Pro Tem House moved and Mayor Hasse seconded a motion to explore the possibility of a small community room on the Las Flores park area, with the condition that it be open only during daylight hours. The question was called and the motion failed 2-3, Councilmembers Kearsley, Jennings and Barovsky voting no.

ITEM 6 NEW BUSINESS

A. Appointment of Trails Advisory Committee Members by Mayor Pro Tem House and Councilmember Barovsky

Staff recommendation: Both Mayor Pro Tem House and Councilmember Barovsky to each appoint a new member to the Malibu Trails Master Plan Advisory Committee.

City Clerk Bloom presented the staff report.

Councilmember Barovsky appointed Lea Anderson.

Mayor Pro Tem House deferred her appointment.

B. Award of Contract for Professional Services for Waste Management Program Administration

Staff recommendation: Award contract to Solid Waste Solutions, Inc.

Public Works Director Bergson presented the staff report.

MOTION Councilmember Barovsky moved and Councilmember Kearsley seconded a motion to award the contract to Solid Waste Solutions, Inc. The motion carried unanimously.

C. Appointment of Stand-by Officers

Staff recommendation: Direct City Clerk to post a notice soliciting qualified applications of residents to serve as stand-by officers in the event of an emergency.

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Emergency Services Coordinator Holmwood presented the staff report.

Ryan Embree discussed the importance of appointing Stand-by Officers. He questioned various aspects of the Emergency Operations Plan. He stated the documents was outdated.

City Attorney Amerikaner explained that the guidelines would work in conjunction with the Brown Act.

Mayor Hasse explained that other cities appointed their highest appointed officials.

MOTION Councilmember Jennings moved and Councilmember Kearsley seconded a motion to direct the City Clerk to post a notice soliciting qualified applications of residents to serve as stand-by officers in the event of an emergency. The motion carried unanimously.

D. Seating Arrangement of the City Council (Councilmember Barovsky)
Recommendation: Consider revising, repealing or making exception to the current City Council policy on the seating arrangement of the Councilmembers.

Councilmember Barovsky withdrew the item.

ADJOURN At 10:31 p.m., Councilmember Barovsky moved and Mayor Pro Tem House seconded a motion to adjourn in memory of Ori Greenberg. The motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on ____.

MAYOR THOMAS HASSE

ATTEST:

VIRGINIA BLOOM, City Clerk
(seal)

PREPARED BY:

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LISA POPE, Recording Secretary